III

Pursuant to 10 CFR 73.5, ''Specific exemptions,'' the Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

Pursuant to 10 CFR 73.55, the Commission may authorize a licensee to provide alternative measures for protection against radiological sabotage provided the licensee demonstrates that the alternative measures have ''the same high assurance objective'' and meet ''the general performance requirements'' of the regulation, and ''the overall level of system performance provides protection against radiological sabotage equivalent'' to that which would be provided by the regulation.

Currently, employee and contractor identification badges, coupled with their associated access control cards, are issued and retrieved on the occasion of each entry to and exit from the protected areas of the Grand Gulf site. Station security personnel are required to maintain control of the badges while the individuals are offsite. This practice has been in effect at the Grand Gulf Nuclear Station, Unit 1 since the operating license was issued. Security personnel retain each identification badge, as well as the associated access control card, when not in use by the authorized individual, within appropriately designed storage receptacles inside a bullet-resistant enclosure. An individual who meets the access authorization requirements is issued an individual picture identification card and an individual access control card which allows entry into preauthorized areas of the station. While entering the plant in the present configuration, an authorized individual is ''screened'' by the required detection equipment and by the issuing security officer. Having received the badge, the individual proceeds to the access portal, inserts the access control card into the card reader, enters a personal identification number (PIN), and passes through the turnstile which unlocks if the preset criteria are met. Once inside the station, the individual's PIN is not required in order to further utilize the access authorization card.

This present procedure is labor intensive since security personnel are required to verify badge issuance, ensure badge retrieval, and maintain the badges in orderly storage until the next entry into the protected area. The regulations permit employees to remove their badges from the site, but an exemption from 10 CFR 73.55(d)(5) is required to permit contractors to take their badges offsite instead of returning them when exiting the site.

Under the proposed system, all individuals authorized to gain unescorted access will have the physical characteristics of their hand (hand geometry) recorded with their badge number. Since the hand geometry is unique to each individual and its application in the entry screening function would preclude unauthorized use of a badge, the requested exemption would allow employees and contractors to keep their badges at the time of exiting the protected area. The process of verifying badge issuance, ensuring badge retrieval, and maintaining badges could be eliminated while the balance of the access procedure would remain intact. Firearm, explosive, and metal detection equipment and provisions for conducting searches will remain as well. The security officer responsible for the last access control function (controlling admission to the protected area) will also remain isolated within a bullet-resistant structure in order to assure his or her ability to respond or to summon assistance.

Use of a hand geometry biometrics system exceeds the present verification methodology's capability to discern an individual's identity. Unlike the photograph identification badge, hand geometry is nontransferable. During the initial access authorization or registration process, hand measurements are recorded and the template is stored for subsequent use in the identity verification process required for entry into the protected area. Authorized individuals insert their access authorization card into the card reader and the biometrics system records an image of the hand geometry. The unique features of the newly recorded image are then compared to the template previously stored in the database. Access is ultimately granted based on the degree to which the characteristics of the image match those of the ''signature'' template.

Since both the badge and hand geometry would be necessary for access into the protected area, the proposed system would provide for a positive verification process. Potential loss of a badge by an individual, as a result of taking the badge offsite, would not enable an unauthorized entry into protected areas.

The access process will continue to be under the observation of security personnel. The system of identification badges coupled with their associated access control cards will continue to be used for all individuals who are authorized access to protected areas without escorts. Badges will continue to be displayed by all individuals while inside the protected area. Addition of a hand geometry biometrics system will provide a significant contribution to effective implementation of the security plan at each site.

IV

For the foregoing reasons, pursuant to 10 CFR 73.55, the NRC staff has determined that the proposed alternative measures for protection against radiological sabotage meet ''the same high assurance objective,'' and ''the general performance requirements'' of the regulation and that ''the overall level of system performance provides protection against radiological sabotage equivalent'' to that which would be provided by the regulation.

Accordingly, the Commission has determined that, pursuant to 10 CFR 73.5, an exemption is authorized by law, will not endanger life or property or common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants Entergy Operations, Inc. an exemption from those requirements of 10 CFR 73.55(d)(5) relating to the returning of picture badges upon exit from the protected area such that individuals not employed by the licensee, i.e., contractors, who are authorized unescorted access into the protected area, can take their badges offsite.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (60 FR 16683). This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 31st day of March 1995.

For the Nuclear Regulatory Commission.

Elinor Adensam,

Acting Director, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–8452 Filed 4–5–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–286]

Power Authority of the State of New York, (Indian Point Nuclear Generating Unit No. 3); Exemption

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR–64, which authorizes operation of the Indian Point Nuclear Generating Unit

No. 3 (IP3). The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility consists of a pressurized water reactor at the licensee's site located in Westchester County, New York.

II

By letter dated March 15, 1995, the licensee requested to modify an existing exemption from the requirements of 10 CFR Part 50, Appendix R, Section III.J, which had been issued by the NRC on January 17, 1987. Section III.J specifies emergency lighting requirements for operation of safe shutdown equipment and in access and egress routes thereto. The January 17, 1987, exemption allowed use of permanently installed security lighting, in place of emergency lighting as specified in Section III.J, for access and egress to the Appendix R diesel generator which is located in the outside yard area.

During a programmatic review of the Appendix R, compliance strategy at IP3, the licensee identified that certain operator actions, which had not be included in the previous Appendix R compliance strategy, were needed. These additional operator actions were in the outside yard area at the condensate storage tank (CST), refueling water storage tank (RWST), and backup service water pump platform. Thus, in accordance with Appendix R, Section III.J, emergency lighting would be required for these additional areas. As such, the licensee's March 15, 1995, letter requested modification of the January 7, 1987, exemption to extend the use of security lighting in the outside yard area to include the CST, RWST, and backup service water platform.

III

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security and (2) when special circumstances are present as set forth in 10 CFR 50.12(a)(2).

Section III.J of 10 CFR Part 50, Appendix R, requires that emergency lighting units with at least an 8-hour battery power supply shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto. By letter dated June 14, 1985, the licensee applied for an exemption to the requirements of Section III.J, to allow use of permanently installed security lighting for providing an illuminated access and egress route to the Appendix R diesel generator which is located in the outside yard.

As justification, the licensee indicated that the yard area lighting for access and egress to the Appendix R diesel generator was already part of the security lighting system. As such, illumination is provided in accordance with 10 CFR 73.55(c)(5). The security lighting system is powered by a dedicated propane powered generator which operates in the event of a loss of power to the security system and this generator is physically separated from the plant; therefore, an Appendix R fire scenario will not affect operation of the security backup generator supply. In addition, the security backup generator has a sufficient capacity and fuel supply to power the outside yard lighting for the requisite 8-hour time period. The licensee concluded that the security lighting system was highly reliable and, as such, installation of the battery-powered lights, as required by Section III.J, would not enhance the safe shutdown capability at IP3.

The NRC staff agreed with the technical justification presented in the licensee's June 14, 1985, letter, and issued an Exemption from the requirement of Section III.J. for access and egress to the Appendix R diesel generator. In the licensee's March 15, 1995, letter, the same technical justification is presented for use of permanently installed security lighting, in lieu of battery-powered lights, as required by Section III.J, for three additional areas in the outside yard. These additional areas were a result of a reassessment of the IP3 Appendix R compliance strategy. The areas and the operator actions needed in each area are as follows:

(1) Condensate Storage Tank: The operators would verify tank level at the local indicator and during sub-freezing weather might need to place portable heaters in the area to maintain level indicator operable.

(2) Refueling Water Storage Tank: The operators would verify tank level at the local indicator and during sub-freezing weather might need to place portable heaters in the area to maintain level indicator operable.

(3) Backup Service Water Pumps: The operators would manually backlfush the strainers.

The licensee has confirmed that the technical justification, which was also the basis for the January 17, 1987, exemption is still valid. The licensee has also confirmed that the security lighting system still achieves the underlying purpose of the rule in that it provides adequate illumination to perform all Appendix R required activities in the outside yard for a period of at least 8 hours and is not impacted by fires in other areas of the plant for which Appendix R fires need to be considered.

IV

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12, that (1) the Modified Exemption as described in Section III is authorized by law, will not endanger life or property, and is otherwise in the public interest and (2) special circumstances exist pursuant to 10 CFR 50.12(a)(2)(ii), in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule.

Therefore, the Commission hereby grants the following Modification to our Exemption of January 17, 1987:

(1) The Exemption from the requirement of 10 CFR Part 50, Appendix J, Section III.J, issued to the Power Authority of the State of New York on January 17, 1987, remains in effect. The Power Authority of the State of New York is also exempt from the requirement of 10 CFR Part 50, Appendix J, Section III.J, to the extent that security lighting in the outside yard area can be used in lieu of the emergency lighting as specified in Section III.J, at the following additional locations in the outside yard area:

—The Condensate Storage Tank Area

—The Refueling Water Storage Tank Area

—The Backup Service Water Pump Strainer Area

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Modified Exemption will have no significant impact on the quality of the human environment (60 FR 15944).

This Exemption is effective upon issuance.

Dated at Rockville, Maryland, this 29th day of March 1995.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–8453 Filed 4–5–95; 8:45 am]

BILLING CODE 7590–01–M